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Atty. Dkt. No. 045952-0120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph PANDOLFINO
Title: REDUCED-EXPOSURE TOBACCO PRODUCTS
Appl. No.: 10/568,290
International Filing Date: 8/18/2004
371(c) Date: 02/17/2006
Examiner: Unassigned
Art Unit: Unassigned
Confirmation Number: 3390

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10 October 2006

By S. A. Bent

FOLEY & LARDNER LLP
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Stephen A. Bent
Attorney for Applicant
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Date Submitted: October 11, 2003

(use as many sheets as necessary)

O I P E
OCT 11 2006
U.S. PATENT AND TRADEMARK OFFICE

Complete if Known

Application Number	10/568,290
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First Named Inventor	Joseph PANDOLFINO
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	045952-0120

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	5 803 081		REGENT COURT TECHNOLOGIES	9/8/1998	
	A2	5 845 647		REGENT COURT TECHNOLOGIES	12/8/1998	
	A3	6 135 121		REGENT COURT TECHNOLOGIES	10/24/2000	
	A4	6 202 649	B1	REGENT COURT TECHNOLOGIES	3/20/2001	
	A5	6 311 695	B1	REGENT COURT TECHNOLOGIES	11/6/2001	
	A6	6 338 348	B1	REGENT COURT TECHNOLOGIES	1/15/2002	
	A7	6 350 479	B1	REGENT COURT TECHNOLOGIES	2/26/2002	
	A8	6 425 401	B1	REGENT COURT TECHNOLOGIES	7/30/2002	
	A9	Re 38123 E		REGENT COURT TECHNOLOGIES LLC	5/27/2003	
	A10	6 569 470	B2	REGENT COURT TECHNOLOGIES LLC	5/27/2003	
	A11	6 100 448		NORTH CAROLINA STATE UNIVERSITY	8/8/2000	
	A12	5 773 695		NORTH CAROLINA STATE UNIVERSITY	7/30/1998	
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	A16	5 260 205		PHILIP MORRIS INCORPORATED	11/9/1993	
	A17	5 369 023		PHILIP MORRIS INCORPORATED	11/29/1994	
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	A19	4 830 028		R.J. REYNOLDS TOBACCO COMPANY	5/16/1989	
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	A24	6 534 527	B2	PHYTOS INC.	3/18/2003	
	A25	3 258 015		Charles Drummond ELLIS et al.	6/28/1966	
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	A28	5 589 367		BIOSOURCE TECHNOLOGIES INC.	12/31/1996	
	A29	5 583 032		THE CLEVELAND CLINIC FOUNDATION AND NATIONAL INSTITUTE OF HEALTH	12/10/1996	
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	A31	5 591 601		OHIO UNIVERSITY EDISON ANIMAL BIOTECHNOLOGY INSTITUTE	1/7/1997	
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	A33	5 272 065		RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK	12/21/1993	
	A34	3 991 772		SMITHERM INDUSTRIES INC.	11/16/1976	
	A35	4 340 073		PHILIP MORRIS, INCORPORATED	7/20/1982	
	A36	4 336 814		PHILIP MORRIS, INCORPORATED	7/29/1982	
	A37	4 531 529		R.J. REYNOLDS TOBACCO COMPANY	7/30/1985	
	A38	3 499 454		PHILIP MORRIS, INCORPORATED	3/10/1970	
	A39	4 182 349		KIMBERLY-CLARK CORPORATION	1/8/1980	
	A40	4 962 774		R.J. REYNOLDS TOBACCO COMPANY	10/16/1990	

Examiner
SignatureDate
Considered

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/568,290
Date Submitted: October 11, 2006		Filing Date	8/18/2004
(use as many sheets as necessary)		First Named Inventor	Joseph PANDOLFINO
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
		Attorney Docket Number	045952-0120

Sheet 2 of 4

U.S. PATENT DOCUMENTS

U.S. Patent Document			
A41	6 761 175	B2	JAPAN TOBACCO COMPANY et al.
A42	4 289 147		LEAF PROTEINS INC.
A43	4 347 324		LEAF PROTEINS INC.
A44	2002/0197688	A1	PANDOLFINO
A45	2002/0174874	A1	WILLIAMS
A46	2003/0018997	A1	CONKLING et al.
A47	2004/0144397	A1	CONKLING
A48	6 037 525		NORTH CAROLINA STATE UNIVERSITY

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A49	WO	98/56923		NORTH CAROLINA STATE UNIVERSITY	12/17/1998		
	A50	WO	00/67558		Michael TIMKO	11/16/2000		
	A51	WO	03/013226	A2	CIBUS GENETICS	2/20/2003		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A52	Action on Smoking and Health – March 2006 Factsheet No: 18, The UK tobacco industry.	
	A53	"Clearing the Smoke – Assessing the Science Base for Tobacco Harm Reduction", (IOM Report), Institute of Medicine, Washington DC: National Academy Press, 2001.	
	A54	Dietrich HOFFMANN et al., "The Changing Cigarette: Chemical Studies and Bioassays", Chapter 5, Smoking and Tobacco Control Monograph No. 13, NIH Pub. No. 02-5074, October 2001, pp. 159-192.	
	A55	Gio Batta GORI, "Virtually Safe Cigarettes Reviving an Opportunity Once Tragically Rejected", Health Policy Center, Bethesda, MD., 2000.	
	A56	J.C. LEFFINGWELL, Chapter 8, Leaf Chemistry, Tobacco: Production, Chemistry and Technology, pp. 275-276, 1999.	
	A57	Lynn T. KOZLOWSKI et al., "Cigarette Design", Chapter 2, 11/19/2001, pp. 13-38.	
	A58	C.W. BACON et al., "Chemical Changes in Tobacco during Flue-Curing", INDUSTRIAL AND ENGINEERING CHEMISTRY, February 1952, pp. 292-296.	
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	A60	Neil D. WEINSTEIN, "Public Understanding of Risk and Reasons for Smoking Low-Yield Product", Chapter 6, 11/19/01, pp. 193-198.	

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NON PATENT LITERATURE DOCUMENTS			
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	A61	Gio B. GORI, "Consumer Perception of Cigarette Yields: Is the Message Relevant?", REGULATORY TOXICOLOGY AND PHARMACOLOGY, 12, pp. 64-68, (1990).	
	A62	J.L. WHITE et al., "Effect of pyrolysis temperature on the mutagenicity of tobacco smoke condensate", Food and Chemical Toxicology 39, (2001), PP. 499-505.	
	A63	Neil L. BENOWITZ, "Compensatory Smoking of Low Yield Cigarettes", Smoking and Tobacco Control Monograph No. 13, Chapter 3, 11/19/01, pp. 39-63.	
	A64	E.A. WERNSMAN et al., "TOBACCO", Principles of Cultivar Development, Vol. 2, Chapter 17, Crop Species Ed. W.R. Fehr, Macmillan, New York 1987, pp. 669-699.	
	A65	Gio Batta GORI, "Less-Hazardous Cigarettes, the Case for Hastening Their Regulation and Promotion", TOBACCO REPORTER, June 2004, pp. 30-34.	
	A66	Michael A.H. RUSSELL, "The Case for Medium-Nicotine Low-Tar, Low-Carbon Monoxide Cigarettes", Banbury Report A Safe Cigarette, 1980, pp. 297-310.	
	A67	"Shameful science: four decades of the German tobacco industry's hidden research on smoking and health", Tobacco Control 2000: 9, pp. 242-247.	
	A68	Yupynn CHINTAPAKORN et al., "Antisense-mediated down-regulation of putrescine N-methyltransferase activity in transgenic Nicotiana tabacum L. can lead to elevated levels of anatabine at the expense of nicotine", Plant Molecular Biology 53: 87-105, 2003.	
	A69	D.M. PEELE et al., "Formation of tobacco specific nitrosamines in flu-cured tobacco", CORESTA 1999, AGRO-PHYTO Proceedings Suzhou, China, 1999.	
	A70	Gerald P. MORIE, "FRACTION OF PROTONATED AND UNPROTONATED NICOTINE IN TOBACCO SMOKE AT VARIOUS pH VALUES", Tobacco Science, 167, 1972.	
	A71	B.L. MIKI et al., "Procedures for Introducing Foreign DNA into Plants", Methods in Plant Biology & Biotechnology, 1993, pp. 67-88.	
	A72	"Status update of sugar/nicotine balance technology assessment", 1992, RJ Reynolds documents Bates 512842551/2.	
	A73	"Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A Replication (R2-3537), PHILLIP MORRIS U.S. RESEARCH CENTER, 1975, Bates 2056140416.	
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	A76	Paul D. LEGG et al., "INHERITANCE OF PER CENT TOTAL ALKALOIDS IN NICOTIANA TABACUM L. II. GENETIC EFFECTS OF TWO LOCI IN BURLEY 21 X LA BURLEY 21 POPULATIONS", Can. J. Genet. Cytol. 13: 287-291, 1971.	

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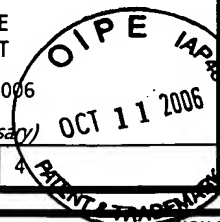
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	A77	William L. CLAPP et al., "Reduction in Ames Salmonella mutagenicity of mainstream cigarette smoke condensate by tobacco protein removal", Mutation Research 446 (1999) pp. 167-174.	
	A78	Edward LEETE, "Biosynthesis and Metabolism of the Tobacco Alkaloids - Chapter 3", ALKALOIDS Chemical and Biological Perspectives, Vol. 1, January 25, 1988, pp. 85-152.	
	A79	H.C. PILLSBURY et al., "TOBACCO - Tar and Nicotine in Cigarette Smoke", Journal of the Association of Official Analytical Chemists, Vol. 52, No. 3, May 1969, pp. 458-462.	
	A80	Jed E. ROSE, "THE ROLE OF UPPER AIRWAY STIMULATION IN SMOKING", Nicotine Replacement: A Critical Evaluation, pp. 95-106, 1988.	
	A81	Dietrich HOFFMAN et al., "Origin in Tobacco Smoke of N'-Nitrosomonicotine, a Tobacco-Specific Carcinogen: Brief Communication ^{1,2,3} ", J. NATL CANCER INST, Vol. 58, No. 6, June 1977, pp. 1841-1844.	
	A82	Gio Batta GORI, "Virtually Safe Cigarettes Reviving an Opportunity Once Tragically Rejected", IOS Press, The Netherlands, 2000.	
	A83	M A H RUSSELL, "Low-tar medium-nicotine cigarettes: a new approach to safer smoking", BRITISH MEDICAL JOURNAL, June 12, 1976, pp. 1430-1433.	
	A84	Brown and Williamson Tobacco Company research in the Journal of the American Medical Association, Vol. 274, No. 3, pp. 228, 1995.	
	A85	T. MATSUMOTO et al., "MUTAGENICITIES OF THE PYROLYZATES OF PEPTIDES AND PROTEINS", Mutation Research, 56 (1978) pp. 281-288.	

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